



# City Council Agenda

Council President  
**Henry Perea**

Councilmembers

**Tom Boyajian**  
**Brian Calhoun**  
**Brad Castillo**

**Jerry Duncan**  
**Sal Quintero**  
**Daniel Ronquillo**, Acting President

City Manager  
**Daniel G. Hobbs**

City Clerk  
**Rebecca E. Klisch , CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

**TUESDAY, DECEMBER 4, 2001**

**IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.**

## **9:00 A.M. ROLL CALL**

Invocation by Vicar Josh Schoon of the Peace Lutheran Church Missouri Synod

Pledge of Allegiance to the Flag

Powers Elementary School's 3<sup>rd</sup> Grade Class Will Perform "God Bless the USA in Sign Language - Council President Perea

Presentation of "Student Recognition Award" for District 4's High Schools - Councilmember Castillo

COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve Council minutes of November 27, 2001

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

## **TIME SCHEDULED HEARINGS AND MATTERS**

**9:45 A.M.** Appearance by Teresa Negrete to discuss revocation of parking permit from her place of business, "Teresa's Beauty Salon"

**Action Taken:**

**10:00 A.M.** Award a contract for construction of a surface water treatment plant - Public Utilities Department

**Action Taken:**

- a. \* **RESOLUTION** - 55<sup>th</sup> amendment to AAR No. 2001-200 appropriating \$1,447,600 to complete funding for the award of the contract for the surface water treatment plant (*Requires 5 affirmative vote*)

**Action Taken:**

- b. \* **RESOLUTION** - Approving the reclassification of contingency appropriations in the Public Works Capital budget and budget-hold contingencies in the Public Utilities Water Division Capital budget for expenses related to the award of a contract for construction of a surface water treatment plant

**Action Taken:**

**10:30 A.M.** **CONTESTED CONSENT CALENDAR**

## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**11:00 A.M.**

### **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Govt. Code Section 54956.9, subdivision (a)
1. **Case Name:** Clayton Turner v. City of Fresno, et al.
  2. **Case Name:** Benjamin Jones and Angil P. Morris v. City of Fresno, et al.
  3. **Case Name:** Jasmine Ramos v. City of Fresno
  4. **Case Name:** City of Fresno v. City of Clovis, LAFCO and County of Fresno
  5. **Case Name:** City of Fresno Blackstone Venture 1
  6. **Case Name:** A.H.D.C. v. City of Fresno, et al.
- Action Taken:**
- B. CONFERENCE WITH LABOR NEGOTIATOR** - Govt. Code Section 54957.6  
**City Negotiators:** Andrew T. Souza, Severo Esquivel and Jorge C. Aguiniga  
**Employee Organization(s):**
1. International Union of Operating Engineer, Stationary Engineers Local 39 (Local 39)
  2. International Brotherhood of Electrical Workers Local 100 (IBEW)
- Action Taken:**
- C. THREAT TO PUBLIC SERVICES OR FACILITIES** - Government Code Sections 54954.5 and 54957  
Consultation with City of Fresno Police Department, Chief of Police, Jerry Dyer  
**Action Taken:**
- D. CONFERENCE WITH LEGAL COUNSEL -FRIEND-OF-THE-COURT-PARTICIPATION** - Govt. Code Section 54954.2, Subdivision (a)
1. **Case Name:** Gorman v. Easley
- Action Taken:**
- E. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)(1)  
**Significant Exposure of Litigation:**
1. **Case Name:** City of Fresno v. Heffington
- Action Taken:**

## **GENERAL CONSENT CALENDAR**

**(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 10:30 A.M.)**

### **1A-1. DEPT. OF ADMINISTRATIVE SERVICES**

- a. Direct staff to comprehensively revise the Fresno Municipal Code on taxicab regulation which would allow for an efficient and effective approach to the City's permit and enforcement processes for the local taxicab industry

**Action Taken:**

### **1A-2. CITY ATTORNEY**

### **1A-3. CITY CLERK'S OFFICE**

### **1A-4. CITY COUNCIL/MAYOR'S OFFICE**

### **1A-5. CITY MANAGER**

- a. Consider continuation of Resolution No. 2001-337, which proclaimed a local emergency in and around the Fresno Yosemite International Airport based upon the threat of enemy attack or sabotage
  - 1. \* **RESOLUTION** - Continuing Resolution No. 2001-337, which proclaimed a local emergency in and around the Fresno Yosemite International Airport, based upon continuing existence of facts and circumstances of the threat of enemy attack or sabotage

**Action Taken:**

- b. **RESOLUTION** - Approving the 18<sup>th</sup> expansion of the Fresno Enterprise Zone adding 2.5 acres for Fresno Fab-Tech, Inc. in the proximity of McKinley and Chestnut Avenues to the Fresno Enterprise Zone; authorizing submittal to the State Department of Trade and Commerce of said expansion proposal and execution of documents and instruments

**Action Taken:**

- c. \* **RESOLUTION** - 56th amendment to AAR No. 2001-200 appropriating \$136,000 for payment consulting services by Macias, Gini & Company (*Option 1*) (*Requires 5 affirmative vote*)

**Action Taken:**

- 1. \* **RESOLUTION** - 57th amendment to AAR No. 2001-200 appropriating \$136,000 for payment consulting services by Macias, Gini & Company (*Option 2*) (*Requires 5 affirmative vote*)

**Action Taken:**

### **1A-6. CONVENTION CENTER**

### **1A-7. DEVELOPMENT DEPARTMENT**

### **1A-8. FIRE DEPARTMENT**

## **GENERAL CONSENT CALENDAR CONTINUED**

### **1A-9. DEPARTMENT OF HOUSING AND NEIGHBORHOOD REVITALIZATION**

### **1A-10 PARKS, RECREATION AND COMMUNITY SERVICES**

### **1A-11 POLICE DEPARTMENT**

- a. Approve Memorandum of Understanding (MOU) between the City of Fresno and the Fresno Madera Area Agency on Aging regarding the use of office space by the Fresno Police Department Elder Abuse Unit at the Senior Resource Center

**Action Taken:**

### **1A-12 PUBLIC UTILITIES DEPARTMENT**

- a. \* **RESOLUTION** - 51<sup>st</sup> amendment to AAR No. 2001-200 appropriating \$120,967 to implement a Beverage Container Recycling Program (*Requires 5 affirmative vote*)

**Action Taken:**

- 1. \* **RESOLUTION** - 7<sup>th</sup> amendment to PAR No. 2001-201 to add one (1) grant-funded staff assistant position in the Solid Waste Management Division - Recycling Program

**Action Taken:**

- b. Approve a Professional Service Agreement with Kenneth D. Schmidt and Associates for professional hydrogeologic services for the Public Utilities Department

**Action Taken:**

### **1A-13 PUBLIC WORKS DEPARTMENT**

- a. Approve acquisition of an easement from property at 115 E. North Avenue for the North Avenue Trunk Sewer, Phase II

**Action Taken:**

- b. \* **RESOLUTION** - 49<sup>th</sup> amendment to AAR No. 2001-200 appropriating \$55,000 for expenses related to proposed City of Fresno Community Facilities District No.7 (Tentative Tract Map No. 4868) (*Requires 5 affirmative vote*)

**Action Taken:**

- c. **RESOLUTION** - Of intention to annex Final Map of Parcel Map No. 2000-23 to the City of Fresno Community Facilities District No. 2, Annexation No. 33, authorize the levy of special taxes, and setting the hearing for January 8, 2002 at 10:00 a.m.

**Action Taken:**

- d. **RESOLUTION** - Authorizing the Public Works Director to enter into agreements on behalf of the City for early construction of public improvements for subdivisions

**Action Taken:**

## **GENERAL CONSENT CALENDAR CONTINUED**

### **1A-14 RETIREMENT OFFICE**

### **1A-15 TRANSPORTATION DEPARTMENT**

- a. Approve a Professional Services Agreement with URS Corporation for the master planning of the Fresno Yosemite International Airport funded by Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant No. 3-06-0087-37 and FF02 entitlement - Airports Dept.

**Action Taken:**

### **1B. CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

1. \* **BILL - (For introduction)** - Amending Sections 2-1745 relating to eligibility requirements of the post retirement supplemental benefit in the Fire and Police Retirement Systems

**Action Taken:**

- a. \* **BILL - (For introduction)** - Amending Sections 2-1853 relating to eligibility requirements of the post retirement supplemental benefit in the Employees Retirement Systems

**Action Taken:**

### **2. PLANNING AND ZONING ADMINISTRATION**

### **3. GENERAL ADMINISTRATION**

- A. Introduction of ordinances adding Sections to the Fresno Municipal Code for the implementation of a reciprocity agreement with the California Public Employees Retirement System (CalPERS) and approve the reciprocity agreement with CalPERS

**Action Taken:**

1. \* **BILL** - Adding Section 2-1745A to the Fresno Municipal Code, providing for reciprocity between the Fire and Police Retirement System and the California Public Employees Retirement System

**Action Taken:**

2. \* **BILL** - Adding Section 2-1854 to the Fresno Municipal Code, providing for reciprocity between the Employees Retirement System and the California Public Employees Retirement System

**Action Taken:**

### **4. CITY ATTORNEY**

5.

### **CITY COUNCIL**

- A. Clarification of 10% contingency from each department's budget as part of the adoption of the FY 2001-2002 budget - Councilmember Castillo

**Action Taken:**

- B. Consider approval for a Council override vote of Resolution No. 2001-353 creating the Council Analyst classification and Resolution No. 2001-354 establishing the compensation for the Council Analyst position vetoed by Mayor Autry on November 8, 2001 (*Council action to override Mayoral veto requires 5 affirmative votes*) - Councilmember Calhoun

1. **RESOLUTION NO. 2001-353** - 5<sup>th</sup> amendment to the PAR No. 2001-201 creating the Council Analyst classification

**Action Taken:**

2. **RESOLUTION NO. 2001-354** - 7<sup>th</sup> amendment to the Salary Resolution No. 2001-199 establishing the compensation for the Council Analyst position

**Action Taken:**

6.

### **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7.

**UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

### **SCHEDULED COUNCIL HEARINGS AND MATTERS**

- Dec. 11 - 9:55 A.M. **HEARING** re: CFD No. 2, Annexation No. 31, Tract No. 4983
- Dec. 11 - 10:00 A.M. **HEARING** re: CFD No. 2, Annexation No. 32, Tract No. 4911 and 4723
- Dec. 18 - 8:30 A.M. **RDA** - Receive report and give direction regarding Zahra proposal to construct a parking garage on Agency-owned property, northeast corner of Broadway and the Mariposa Mall (Central Business District)
- Dec. 18 - 10:00 A.M. **HEARING** re: for the vacation of the Tulare-Iowa alley between Freeway 41 and Orchard - R.I. 1025-D
- Dec. 18 - 10:15 A.M. **HEARING** re: P.A. No. A-01-23, Rezone Appl. No. R-01-37, filed by Robert Diel
- Dec. 18 - 10:15 A.M. **HEARING** re: P.A. No. A-01-26, Rezone Appl. No. R-01-40, filed by Sam Lucido
- Dec. 18 - 10:30 A.M. **HEARING** re: P.A. No. A-01-010, Rezone Appl. No. R-01-013, filed by Thanh Van Cao
- Dec. 18 - 10:45 A.M. **HEARING** re: CUP No. C-01-184, filed by Jeff Roberts on behalf of Granville Homes, Inc.
- Dec. 18 - 11:00 A.M. High speed rail alignment and downtown Fresno stop location vote by the High Speed Rail Authority, January 16, 2002
- Dec. 25 - **NO MEETING - CHRISTMAS WEEK**
- Jan. 1 - **NO MEETING - NEW YEAR'S WEEK**
- Jan. 8 - 10:00 A.M. **HEARING** re: CFD No. 2, Annexation No. 33, Parcel Map No. 2000-23
- Jan. 8 - 10:15 A.M. **HEARING** RE: Rezone Appl. No. 01-036, filed by the Self-Help Enterprises, from R-3/UGM/cz to R-1/UGM
- Jan. 8 - 10:30 A.M. Discussion regarding the feasibility of alternating recycling & green waste - Councilmember Castillo (*30 minutes*)
- Jan. 8 - 11:00 A.M. **HEARING** re: Rezone Appl. No. R-01-42, filed by American Campus - Titan Investments

